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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------|
| 10/799,938 | 03/11/2004 | Vincent P. Walker | 00216-659001 / Case 8129 | 8045 |
| 26161 | 7590 | 08/28/2006 | EXAMINER | |
| FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | LANDRUM, EDWARD F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3724 | |
| DATE MAILED: 08/28/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,938

Applicant(s)

WALKER ET AL.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 19-37, 51 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, and 38-45, and are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms (U.S. Publication No. 2002/0023351).

Simms teaches (see Figures 2-4) a shaving cartridge with a handle, the shaving cartridge (1) has a plastic housing (4, Paragraph 21, line 5) with front, rear, side portions, a pivot axis (14), and a housing axis extending perpendicular to the pivot axis. The rear portion has a rear surface (10 and 11). A plurality of shaving blades (5) extend along parallel blade axes that are parallel and behind the pivot axis (14). A guard is located at the front portion and includes an elastomeric member (6) that extends along the housing axis and is located in front of the pivot axis (14). Simms further generally teaches a ratio between the front and rear portions.

Simms teaches all of the elements of the current invention as stated above except for the specific optimal lengths, ranges, or percentages of both the front portion and the portion from the pivot axis to the rear surface. More specifically the front portion being equal to the rear portion or no more than 35 percent less than the rear portion. Simms further fails to teach the shaving cartridge is detachable.

It would have been an obvious matter of design choice to make the front portion a length of about 6 mm and the rear distance a length of about 10 mm or any other optimal lengths, or percentages of front distance as compared to the rear distance for the purpose of finding the best front to rear distance ratio to correctly balance the shaving head, because discovering optimal lengths from a pivot axis to balance the shaving head would have been a mere design consideration based on the weight and length of the various materials and objects included in the shaving head. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges only involves routine skill in the art.

Regarding the cartridge being detachable the examiner takes official notice that the detachable cartridges are old and well known in the art and it would have been obvious to have modified Simms to make the cartridge detachable to allow a user to change the cartridge if the blades became dulled or the lubricating strips or guard members became worn and did not perform well.

3. Claims 9, 12-15, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms in view of Apprille et al (U.S Patent No. 5,249,361), hereinafter Apprille.

Simms teaches all of the elements of the current invention as stated above except the elastomeric member including an elastomeric fin, and where a leading portion of the elastomeric member extends beyond the leading edge of the front portion of the housing in a direction perpendicular the blades axes wherein the leading portion is substantially unsupported and flexible enough to deflect and contour to a user's skin.

Aprille teaches (see Figures 2-4, 6, and 7) an elastomeric guard (10 or 100) on a front portion of a razor housing having fins (22 or 122). The elastomeric guard has a leading portion (nearest 18 or 118) that is substantially unsupported along its length. The fins (22 or 122) on the leading portion allow the leading portion to deflect and conform to a contour of a user's skin during shaving (Col. 1, lines 52-59).

It would have been obvious to have modified the device of Simms to incorporate the teachings of Aprille to provide a finned elastomeric guard member for the front portion of the shaving cartridge for the purpose of stretching the skin of the user to thereby allow the user to have as close and comfortable as shave as possible.

4. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Simms, as stated in section 3, in view of Andrews (U.S. Patent No. 6,145,201).

The modified device of Simms teaches all of the elements of the current invention as stated above except the fin length being longer than the blade length and the leading portion being thinner in the center of the housing and thicker at either end.

Andrews teaches (see Figure 2; Col. 10, lines 3-68; Col. 1, lines 38-42; Col. 2, lines 12-52) pads (20 and 22) and guard (28), able to be made out of rubber, which are thicker at the ends of the cartridge and thinner in the center for the purpose of providing the proper curvature for shaving areas such as underarms. Furthermore, Figure 1 shows the guard member (26) surrounding the blade members (24 and 26).

It would have been obvious to have modified the modified device of Simms to incorporate the teachings of Andrews to modify the thicknesses of the guard members

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to create the proper curvature so a user can more effectively shave various areas of the body such as under his or her arms as well as make the guards longer than the blades to for the purpose of increasing the maneuverability and the overall control of the razor thereby helping to prevent nicks on a users skin caused by the blades.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Simms, as stated in section 3, in view of Gilder (U.S Publication No. 2002/0000040).

The modified device of Simms teaches all of the elements of the current invention as stated above except the fins being made of a material having a Shore A hardness between about 28 and 60.

Gilder (Paragraph 19) teaches using an elastomeric material with a Shore A hardness between about 28 and 60 to produce a desirable tactile sensation during shaving.

It would have been obvious to have modified the modified device of Simms to incorporate the teachings of Gilder to make the elastomeric member and fins out of a material with a Shore A hardness between about 28 and 60 so the guard member will produce a desirable tactile sensation during use.

6. Claims 17, 18, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms in view of Rozenkranc (U.S Patent No. 6,276,061).

Simms teaches all of the elements of the current invention as stated above except for the shaving assembly further comprising a trimming assembly with a trimming blade.

Rozenkranc teaches (see Figure 1) teaches a shaving assembly with a trimming assembly and a trimming blade (4).

It would have been obvious to have modified Simms to incorporate the teachings of Rozenkranc to provide a trimming assembly in the shaving head. The trimming assembly would allow a user to properly trim sideburns and similar positions and therefore produce a better quality shave.

Response to Arguments

7. Applicant's arguments with respect to claims 1-18, and 39-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al '973 (U.S Patent No. 5,416,973), Miller et al (U.S Patent No. 5,067,238), Brown et al '103 (U.S Publication No. 2002/0189103), Brown et al '823 (U.S Patent No. 6,185,823), and Johnson (U.S Patent No. 5,022,154) teach elastomeric guard members on shaving heads.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
8/10/2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER